UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:18-cv-00612-RJC-DSC

SYLIVIA SMITH-PHIFER, ET AL.,)
Plaintiffs,)
v.)) Order
CITY OF CHARLOTTE,) <u>Order</u>)
Defendant.)
)

THIS MATTER comes before the Court following the pretrial conference the Court held on October 13, 2022. As stated in open court, as a result of Plaintiffs' recent voluminous witness and exhibit lists, for purposes of the trial scheduled on November 7, 2022, the Court is mindful of its responsibilities under Federal Rule of Evidence 611, to "exercise reasonable control over the mode and order of examining witnesses and presenting evidence so as to: (1) make those procedures effective for determining the truth; (2) avoid wasting time; and (3) protect witnesses from harassment or undue embarrassment." Fed. R. Evid. 611(a). The Court will exercise its role under Federal Rule of Evidence 611 with these goals in mind. Similarly, the Court expects the parties to professionally work together before the trial in an effort to present the facts and utilize the jury's time efficiently and effectively. To that end, the Court encourages the parties to stipulate to as many facts and the authenticity of exhibits as possible. In addition, in order for the Court to exercise its function under Federal Rules of Evidence 611 and 403, among others, and for the reasons stated in open court, IT IS, THEREFORE, ORDERED that:

1. On or before October 20, 2022, Plaintiffs' counsel must file a document proffering a summary of each of the 149 witnesses' testimony that Plaintiffs identified on their trial

witness list (Doc. No. 252). If, on or before October 20, 2022, Plaintiffs amend their

witness list, Plaintiffs' counsel must instead proffer a summary of each witness's testimony

on Plaintiffs' amended witness list. If Plaintiffs amend their witness list after October 20,

2022, Plaintiffs' counsel must similarly proffer a summary of each of the newly identified

witnesses' testimony at the time of filing any amended witness lists. As required by Federal

Rule of Civil Procedure 26(a)(3)(i), this document shall identify the witnesses Plaintiffs

"expect to present and those [Plaintiffs] may call if the need arises."

2. The parties' witness and exhibit list must comply with Federal Rule of Civil Procedure

26(a)(3)(i)-(iii), including identifying the witnesses and exhibits that each party expects to

call or offer and the witnesses and exhibits each party may call or offer if the need arises.

3. This case is set for a final pretrial conference on **November 4, 2022, at 9:00 AM**,

Courtroom 4A, at the United States District Court for the Western District of North

Carolina, 401 West Trade Street, Charlotte, NC 28202.

4. As represented to the Court at the October 13, 2022 hearing, the parties resolved the claims

filed by Plaintiff Marty Puckett. The parties shall file a stipulation of dismissal as to

Plaintiff Marty Puckett on or before October 27, 2022.

SO ORDERED.

Signed: October 13, 2022

Robert J. Conrad, Jr.

United States District Judge